FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

APPEAL FROM ORDER NO. 644 OF 2004.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri M.V. Holamgi for the appellant.
Shri J. Xavier for respondent No.1-BMC.
Shri Navin Parekh i/b M/s for the respondent Nos.2 and 3.

CORAM: V.C.DAGA,J.
DATED: 26-08-2004.

P.C.:

. During the course of hearing, learned Counsel for the respondent Nos.2 and 3 filed affidavit dated 26.8.2004 duly affirmed by Shri Fardum Nadirshah Mulla-respondent No.3 together with documents annexed thereto.

2. One of the documents annexed to the affidavit is a photograph marked as Annexure R-4 to show existing position of the structure prevailing on the spot as on date (more particularly described in yellow colour).

3. Shri Holamgi,learned Counsel for the appellant has also placed on record

photograph showing some structure. The photograph produced is marked X for identification.

4. The respondent- Corporation has also produced one photograph of the same structure to show existing position thereof as on date. The said photograph is marked as X-1.

5. All these photographs are taken on record. All the photographs are of the same structure taken from different angels. They depict more or less similar prevailing position of the structure in dispute alleged to be standing on the spot.

6. Parties to the appeal agree that directions to maintain status-quo as of date be issued and trial Court be directed to dispose of Notice of Motion within time frame fixed by this Court.

7. In the above premise, trial Court is directed to dispose of Notice of Motion finally, by a reasoned order, after hearing parties to the appeal, as

expeditiously as possible, at any rate, within 8 weeks from the date of receipt of copy of this order. All rival contentions are kept open. Parties to maintain status quo as of date.

8. Shri Holamgi agrees to give inspection of the documents within 2 days from today to respondent Nos.2 to 3.

9. Appeal stands disposed of with no order as to costs.

10. Parties to act on copy of this order duly authenticated by the Court Associate/P.A.